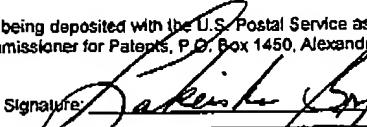


| AMENDMENT TRANSMITTAL LETTER | | | | Docket No. 55,185 (41371) |
|--|----------------------------------|--------------------------------|-----------------------------|------------------------------|
| Application No. 09/910,256-Conf. #2955 | Filing Date July 20, 2001 | Examiner K. Abdi | Art Unit 3621 | |
| Applicant(s): Oliver T. Althoff et al. | | | | |
| Invention: CHECKOUT SYSTEM FOR ON-LINE, CARD PRESENT EQUIVALENT INTERCHANGES | | | | |
| TO THE COMMISSIONER FOR PATENTS | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | |
| CLAIMS AS AMENDED | | | | |
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate |
| Total Claims | 37 | - 37 = | | x |
| Independent Claims | 3 | - 3 = | | x |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | |
| Other fee (please specify): Extension for response within third month Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group I) | | | | 1,020.00 130.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | 1,150.00 |
| <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity <input type="checkbox"/> No additional fee is required for this amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. <u>04-1105</u> in the amount of \$ <u>1,150.00</u> . A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-1105</u> as described below. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17. | | | | |
| Dated: <u>November 2, 2005</u> | | | | |
|  George W. Hartnett, Jr. Attorney Reg. No.: 42,639 | | | | |
| EDWARDS ANGELL PALMER & DODGE LLP P.O. Box 55874 Boston, Massachusetts 02205 (617) 439-4444 | | | | |
| Certificate of Express Mailing I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. <u>EY711312896US</u> , in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. | | | | |
| Dated: November 2, 2005 Signature:  (Lakeisha Bryant) | | | | |

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July 12, 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Michael J. Abbott
39 Dabney Road
New Canaan, CT 06840

Certified Article Number

7106 4575 1294 2759 2345

SENDERS RECORD

Re: Althoff, et al.
U.S.S.N. 09/910,256
Title: *Check-Out System for On-line, Card Present Equivalent Interchanges*
Our Reference No.: 55,185 (41371)

Dear Mr. Abbott:

I am writing to you concerning the above-referenced patent application for which you are a named inventor. As you may recall, the application was originally filed by and assigned to Fleet Credit Card Services, which has since merged with Bank of America. We have received a Final Office Action from the Patent Office rejecting all claims as being anticipated by a published patent application to Harrison. Copies of the Final Office Action and the Harrison reference are enclosed for your reference.

To overcome the Harrison reference cited by the Examiner, we can "swear behind" the earliest filing date of the reference by filing a Declaration under 37 CFR § 1.131 (the "Declaration") signed by the inventors to establish prior conception and due diligence between the conception date and the filing date of the application with the Patent Office.

Accordingly, I am enclosing a declaration (including all annexes pertinent thereto) for your review and signature. Please review the documents carefully and, when you are satisfied with their content, please execute the declaration and return the documents to this office. A pre-addressed postage paid envelope is enclosed for your convenience. Please do not hesitate to contact me if you have any questions regarding this letter, the declaration or any of the other enclosed documents.

Very truly yours,



George W. Hartnell, III

Enclosures
GWH/rb
499034